COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 2, 2009

OFFICE CORRESPONDENCE

FILE NO. FO2238279

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY OPERATIONS DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ERMINA MCKELVY #[redacted](TSB-NORTH)
DEPUTY MARK COLLINS #[redacted](TSB-SOUTH)
TRANSIT SERVICES BUREAU-NORTH AND SOUTH

On February 20, 2009, Transit Services Bureau North and South deputies used force in effecting the arrest of a resistive fare evasion suspect, allegedly resulting in a rib fracture.

At 1156 hours, Transit Services Bureau North Deputy Ermina McKelvy and Transit Services Bureau South Deputy Mark Collins, both assigned to a joint Special Problems Unit, were working in plain clothes. They were enforcing fare statutes for the Green Line light rail system.

Deputy McKelvy verbally identified herself as a deputy sheriff and asked Suspect James Spinks for his proof of purchasing a ticket to ride the train. She displayed her badge and identification to him. He refused to show proof, stepped off the train at the Wilmington Station, scene location, and walked away from her. Deputy McKelvy was then joined and assisted by Deputy Collins, who approached an agitated Suspect Spinks and identified himself in the same manner.

Deputy McKelvy placed her hand on Suspect Spinks' right elbow to stop his flight. He clenched his hand and swung his right elbow toward her face. She moved to avoid being hit, and then she tried to grab his left hand to effect an arrest. Deputy Collins tried to grab Suspect Spinks' right hand. The two deputies struggled with Suspect Spinks and fell to the ground with him after attempting leg sweeps. Deputy Collins fell on his back, with Suspect Spinks landing on top of him. Deputy McKelvy fell alongside Suspect Spinks' left side.

Suspect Spinks continued to resist by placing his hands underneath his chest. Not knowing whether he was armed, and in order to move his hands from front to back, Deputy Collins used his knee to strike the right side of Suspect Spinks'

chest three times. Deputy McKelvy poked Suspect Spinks once in the left side of his torso. He was then handcuffed and taken into custody for 69 PC.

Suspect Spinks was transported to Coast Plaza Doctors Hospital in Norwalk where Dr. Nemazee diagnosed him with an acute fracture to his left number 7 rib and okayed him for booking. Both deputies were treated and released at US Healthworks for injuries. Deputy Collins was treated for pain to his back and Deputy McKelvy was treated for pain to her right hand.

On August 27, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:
MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Ermina McKelvy #413287 was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Mark Collins #515592 was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Stephen B. Johnson, Commander

EBS:YLW/ylw

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F - Compact Disc containing video footage of interviews

- Detective interview of Suspect Spinks
- Sergeant Pando interview of Suspect Spinks
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G - Diagram

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I. - Operations Plan

MISCELLANEOUS DOCUMENTS

- Witness Administrative rights forms.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 4 0 9 - 0 1 0 3 5 - 6 0 6 4 - 0 5 8	Date: 2/20/09	Time: 1156	
Location: 11651 Wilmington Avenue		City or Station: Los Angeles	
Bureau/Station/Facility: Transit Services Bureau (North/South)		Admin. Investigation: YES ☐ NO ☐	
Type of Force: Significant Force /Personal Weapons/Knee/Takedown/Verifiable Injuries			
Deputy Injury : YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Kusch	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee # [redacted]	Last Name: McKelvy	First Name: Ermina	Middle Name: L.
Sex: ☐ Male ☒ Female	Race: Blk	Unit of Assignment: Transit Services Bureau/North	Work Assignment (Unit #, Module, etc.): Special Projects Unit
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5'06" Weight: 150
☒ Injured ☒ Treated ☐ Admitted	Hospital: U.S. Healthworks/Dr. Peter Chiang	Coroner Case #	Directed Force ☐ Significant Force ☒

E 2

Employee # [redacted]	Last Name: Collins	First Name: Mark	Middle Name
Sex: ☒ Male ☐ Female	Race: Blk	Unit of Assignment: Transit Services Bureau/South	Work Assignment (Unit #, Module, etc.): Special Projects Unit
Shift: ☐ EM ☒ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5'06" Weight: 200
☒ Injured ☒ Treated ☐ Admitted	Hospital: U.S. Healthworks/P.A. N. Phuong	Coroner Case #	Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Meadows	Christian	A.	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	Pando	Augustin	E.	Sgt.	YES ☒ NO ☐	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ruble	Erik	D.

Watch Commander **(Print Name)** | Watch Commander's **Signature**: | Emp #: | Date

Eric Strong [redacted]

Supervisor Completing Form: **(Print Name)** | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
4 0 9 - 0 1 0 3 5 - 6 0 6 4 - 0 5 8

Suspect Information

S 1

Last Name: Spinks | First Name: James | Middle Name: Larry

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: Blk | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Ph[redacted] | Age: 60 | Height: 6'04" | D.O.B. 06/24/48 | Weight: 225 | Armed? ☐

Booking #: 1809681 | Primary Charge Code: 69 P.C. | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Los Angeles County Fire | Unit: 41 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Coast Doctor's Hospital | Coroner Case #: | Mental History ☐

By Doctor: Dr. Nemazee | Address: 13100 Studebaker Road, Norwalk | Phone #: (562) 868-3751

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☐

Date: 02/21/09 | Time: 0200 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
4 0 9 - 0 1 0 3 5 - 6 0 6 4 - 0 5 8

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Charell	Heard	I.
[redacted]	Darin	Thompson	W.
[redacted]	Meadows	Christian	A.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ **Additional Witness**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Spinks, James	S#1	McKelvy, Ermina	E#1	UC/RS	CP	HD
Spinks, James	S#1	Collins, Mark	E#2	UC/RS	CP	BK/KN
McKelvy, Ermina	E#1	Spinks, Tony	S#1	PS/PH/TD	FR	IN
Collins, Mark	E#2	Spinks, Tony	S#1	PO /CT/TD	FR	IN

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE

UNITS:	**Transit Services Bureau North and South**
	Special Projects Unit
DATE:	Friday, February 20, 2009
TIME:	1156 hours
LOCATION:	Metro Green Line – Imperial/Wilmington Platform
	11611 Willowbrook Avenue, Los Angeles, California 90059
URN#:	409-01035-6064-058
IAB#:	FO #2238279

On February 20, 2009 (Friday), the Internal Affairs Bureau (IAB) Force and Shooting Response Team responded to Transit Services South Bureau (TSB) area regarding a rib fracture resulting from a significant use of force. The team consisted of Sergeant Eric Strong, Sergeant Irma Chevalier and Lieutenant Rod Kusch. The incident occurred on February 20, 2009, at approximately 1156 hours. The seriousness of the injury was unknown until medical diagnosis later in the evening, at approximately 1700 hours. IAB Investigators responded to the TSB South Special Projects Unit office and made contact with Sergeant Christian Meadows.

Investigators learned that Deputies Mark Collins and Ermina McKelvy were involved in the incident and Sergeant Meadows, Deputy Charell Heard and Deputy Darin Thompson were present. All involved personnel were working a plain clothes detail on the Metrorail.

This investigation is based on statements by the involved deputies, witness deputies, information obtained during the investigation, and various written documentation.

SYNOPSIS:

On February 20, 2009 (Friday) at 1156 hours, Transit Services Bureau North Deputy Ermina McKelvy and Transit Services Bureau South Deputy Mark Collins (both assigned to a joint Special Problems Unit) were working in plain clothes, enforcing fare statutes for the Metro Green Line light rail system. Deputy McKelvy verbally identified herself as a deputy sheriff, displayed her badge and identification to passenger James

Spinks and asked him for proof of purchasing a ticket to ride the train. He refused to show proof, stepped off the train at the Imperial/Wilmington Station (scene location), and walked away from her. Deputy McKelvy was then joined and assisted by Deputy Collins, who approached an agitated Suspect Spinks and identified himself in the same manner.

Deputy McKelvy placed her hand on Suspect Spinks' right elbow to stop his flight. He clenched his hand and swung his right elbow toward her face. She moved to avoid being hit, and then attempted to grab his left hand to affect an arrest for 69 PC. Deputy Collins attempted to grab Suspect Spinks' right hand. The two deputies struggled with Suspect Spinks and fell to the ground with him after attempting leg sweeps. (Deputy Collins fell on his back, with Suspect Spinks landing on top of him. Deputy McKelvy fell alongside Suspect Spinks' left side.) Suspect Spinks continued to resist by placing his hands underneath his chest. Not knowing whether he was armed and in order to move his hands from front to back, Deputy Collins used his knee to strike the right side of Suspect Spinks' chest three times and Deputy McKelvy poked Suspect Spinks once in the left side of his torso. He was then handcuffed and taken into custody for the indicated charge.

Suspect Spinks was transported to Coast Plaza Doctors Hospital in Norwalk where Dr. Nemazee diagnosed him with an acute (i.e., recent) fracture to his left number 7 rib and okayed him for booking. Both deputies were treated and released at US Health works for injuries. Deputy Collins was treated for pain to his back and Deputy McKelvy was treated for pain to her right hand.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Collins, Mark #[redacted]

Date of Employment	04/17/06
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

McKelvy, Ermina #

Date of Employment	08-10-05
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

Spinks, James L. M/B, 6'04", 225 pounds, Gray/Brown, DOB: 06-24-48

[redacted]

Suspect Spinks has [redacted]

SWORN WITNESSES:
Deputy **Charell Heard, #**[redacted]
Office of Homeland Security
Transportation Services Bureau/South

Deputy **Darin Thompson**, #[redacted]
Office of Homeland Security
Transportation Services Bureau/North

Sergeant **Christian Meadows**, #[redacted]
Office of Homeland Security
Transportation Services Bureau/South

CIVILIAN WITNESSES:
One civilian witness was located and this witness video recorded a portion of the incident on their cellular phone. Sergeant Meadows conducted a video-tape recorded interview of this witness and wrote a supplemental report regarding this contact. Sergeant Meadows retrieved a copy of the video footage **(Exhibit E)**.

INJURIES
Suspect Spinks was transported by deputy personnel to Coast Doctor's Hospital where he was treated by medical staff for complaint of pain to his torso area. X-rays revealed a fracture to the 7th rib on the left side.

PHYSICAL EVIDENCE
Photographs of the location **(Exhibit B)**, deputies **(Exhibit C)**, suspect **(Exhibit D)**, Metro Green Line platform mounted surveillance camera video footage **(Exhibit E)**, Metro Green Line train mounted surveillance camera video footage **(Exhibit E)**, and Cellular telephone video footage **(Exhibit E)**.

IAB Note: **Train mounted video footage was obtained from the Metro Transit Authority. Train car 204B, camera #2, indicates the time of footage starts at 1130 and ends at 1150 hours. While previewing the video, the recording starts at 11:30:00. At 11:30:47 the footage jumps forward to 11:41:10. This leaves a video gap of approximately 11 minutes.**

Train car 204B, camera #3, indicates the time of

footage starts at 1130 and ends at 1150 hours. While previewing the video, the recording starts at 11:41:10. This leaves a video gap of approximately 11 minutes.

Tuan "Danny" Nguyen is the Maintenance Supervisor for the Metro Transit Authority Green Line. He is in charge of the video equipment on the trains. Mr. Nguyen stated that he viewed the video and saw the same jump in time. Mr. Nguyen does not have an explanation as to why this happened and stated that he has not seen this type of activity before.

INVESTIGATOR'S OBSERVATIONS

At the time of the initial use-of-force, the severity of Suspect Spinks' injury was unknown. TSB personnel did not know the full extent of the suspect's injury until they were informed by medical personnel several hours after the incident that there was a fractured rib. The Force and Shooting Response Team's arrival was approximately six hours after the incident occurred. Investigators visited the approximate location of the incident. There was no evidence or observations other than the fact that it was a busy Metrorail platform.

WEAPONS USED BY DEPUTY PERSONNEL

Personal Weapons-Hands/Knee

WEAPONS USED BY SUSPECT

Personal Weapons/Elbow

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR and CHARGES FILED

Investigator: McAllister, David

Charges Filed: Fare evasion 587(c) PC and Resisting/Obstructing a Peace Officer 148(a)(1) PC, charges were filed by Deputy District Attorney Goldman at Compton Superior Court on April 2, 2009 (Court case number 9CP03746).

IAB Note: Detective McAllister's audio recorded interview is included in this investigation (Exhibit F).

LIGHTING AND WEATHER CONDITIONS

The lighting was daylight and the weather sunny. (Approximately 1156 hours)

SCENE DESCRIPTION

The location is a Metrorail platform that is linear and runs east/west. There are Metrorail train tracks on the north and south side of the platform. The platform is raised and is located between the eastbound and westbound lanes of the 105 Freeway. The platform is a concrete surface with a raised, rubber coated "safety area" that extends from the edge of the train tracks inwards approximately 3 feet. **(See photos in Exhibit B.)**

INVOLVED AND WITNESS DEPUTY STATEMENTS

This is a summary based on statements given during recorded interviews by the involved deputies, witnessing deputies and suspect. For complete and detailed statements refer to the digital audio files and the verbatim transcripts, which are included in this investigative casebook.

Witness Deputy **Charell Heard** was interviewed on 02-20-09. This interview was digitally audio recorded and the verbatim transcript is included in this investigative casebook. This is a summary of Deputy Heard's interview. For her complete statement refer to the verbatim transcript. Witness Heard wrote a supplemental report regarding her actions and observations during this incident.

Witness Heard stated that while working a plain-clothes operation two deputies (Deputies McKelvy and Collins) on her team got into an altercation with a suspect. During the altercation Deputy Heard noticed there was a large crowd of people gathering around the deputies. Deputy Heard said she maintained crowd control and was facing away from the deputies involved in the fight. Deputy Heard did not see specifically what force was used. This is a summary of Deputy Collins' interview. For his complete statement refer to the verbatim transcript.

Witness Deputy **Mark Collins** was interviewed on 02-20-09. This interview was digitally audio recorded and the verbatim transcript is included in this investigation. Witness Collins wrote a supplemental report outlining his actions and observations during this incident.

Deputy Collins stated that while working a plain-clothes operation on the Wilmington Avenue and Imperial Highway train platform he was about to issue a citation to a person for fare evasion. Deputy Collins saw Deputy McKelvy motioning adamantly and with urgency for him to detain a male subject (Suspect Spinks) walking through the crowd. Seeing the urgency in which Deputy McKelvy was motioning, Deputy Collins released the person he was about to cite and stepped in front of Suspect Spinks. Deputy Collins was wearing his badge around his neck on a long necklace. Deputy Collis extended his badge out in front of him in plain view of Suspect Spinks and told the suspect to stop.

Deputy Collins said Deputy McKelvy came up behind Suspect Spinks and immediately

grabbed his arm. Deputy Collins saw Deputy McKelvy attempt what he thought was a leg sweep to take Suspect Spinks to the ground. This attempt was ineffective so Deputy Collins tried to perform a take-down. Deputy Collins said they all somehow fell to the ground with Suspect Spinks landing on top of him.

Deputy Collins got to his knees on the right side of Suspect Spinks who was now lying face down with his hands underneath his torso. Deputy Collins saw Deputy McKelvy on the suspect's left side trying to get his left arm behind his back. Deputy Collins did not know if Suspect Spinks was armed or what crime he may have committed, but based on the actions of Deputy McKelvy, Deputy Collins felt it must have been significant and this situation was of high risk.

Deputy Collins gave Suspect Spinks several verbal commands to bring his hands behind his back and Suspect Spinks would not comply. In an effort to get Suspect Spinks to release his right hand from underneath his torso, Deputy Collins used a knee strike to the right torso area of Suspect Spinks. This caused Suspect Spinks to release his right arm and Deputy Collins was able to place the suspect's right arm behind his back.

Deputy Collins saw that Suspect Spinks had not released his left hand from under his torso. Knowing that the knee strikes were effective, Deputy Collins gave two more knee strikes to Suspect Spinks' right torso area. The suspect released his left hand and they handcuffed him without further incident. Deputy Collins stated that he injured his back during the altercation.

Witness Deputy **Darin Thompson** was interviewed on 02-20-09. This interview was digitally audio recorded and the verbatim transcript is included in this investigation. This is a summary of Deputy Thompson's interview. For his complete statement refer to the verbatim transcript.

Deputy Thompson stated that while working a plain-clothes operation two deputies on his team (Deputies McKelvy and Collins) got into an altercation with a suspect. During the altercation Deputy Thompson noticed there was a large crowd of people gathering around the deputies. Deputy Thompson said he maintained crowd control and made sure deputies struggling with the suspect were not approached by the crowd.

Once the suspect was in custody, Deputy Thompson transported him the hospital for medical clearance.

Deputy **Ermina McKelvy** was interviewed on April 23, 2009. This interview was digitally audio recorded and the verbatim transcript is included in this investigation. Deputy McKelvy wrote an incident report regarding this incident. This is a summary of Deputy McKelvy's interview. For her complete statement refer to the verbatim

transcript.

Deputy McKelvy stated that while working a plain-clothes operation on the metro-rail train she was in a train car with Deputy Thompson when she conducted a "fare check." Deputy McKelvy made contact with Suspect Spinks regarding his fare and Suspect Spinks did not provide a valid fare. Suspect Spinks told Deputy McKelvy that he was not sure she was a deputy and asked to see her identification. Deputy McKelvy showed Suspect Spinks her flat badge and Sheriff's Department identification; however, Suspect Spinks still did not comply and show proof of valid fare.

When they arrived at the Wilmington platform Suspect Spinks and Deputy McKelvy exited the train, along with the rest of Deputy McKelvy's team. Deputy McKelvy attempted to detain Suspect Spinks regarding the fare violation; however, Suspect Spinks began to walk away from her eastbound towards the platform stairwell.

Deputy McKelvy saw Deputy Collins in front of Suspect Spinks and motioned for him to stop Suspect Spinks. When Deputy Collins stepped in front of Suspect Spinks, Deputy McKelvy came from behind and grabbed Suspect Spinks' right arm. Suspect Spinks lifted his elbow away from his body and swung his elbow toward Deputy McKelvy's head. Deputy McKelvy stepped back and leaned her body away to avoid being struck by the suspect's elbow.

Deputy McKelvy and Deputy Collins each grabbed one of the suspect's arms and attempted to place his hands behind his back while giving verbal commands for him to do the same. Somehow the three of them fell to the ground. Deputy Collins ended up on the suspect's right side and Deputy McKelvy was on the suspect's left side, while Suspect Spinks was lying on his stomach with his hands under his torso. Deputy McKelvy gave Suspect Spinks several verbal commands to place his hands behind his back, however, he would not comply and yelled profanities at the deputies.

Deputy McKelvy saw Deputy Collins give the suspect a knee strike to the torso area and the suspect released his right arm from underneath his torso. Deputy McKelvy, using her open hand with fingers extended and locked, gave two to three quick jabs to the suspect's left side in an effort to get him to release his left hand, but this had no effect. Deputy Collins then used his knee and struck Suspect Spinks on his right side a couple more times in order to get Suspect Spinks to release his left hand. The knee strikes were effective and Suspect Spinks released his left arm from under his torso. The deputies handcuffed him without any further force.

Deputy McKelvy stated that she injured her right hand and Deputy Collins injured his back during the altercation with Suspect Spinks.

Sergeant **Christian Meadows** was interviewed on 02-20-09. This interview was digitally

audio recorded and the verbatim transcript is included in this investigation. This is a summary of Sergeant Meadows' interview. For his complete statement refer to the verbatim transcript.

Sergeant Meadows was the Special Teams Unit sergeant during the time of this incident. Sergeant Meadows and his team were conducting a plain-clothes operation on the Metrorail system. Sergeant Meadows was in a train car with Deputy Collins and his other team members were in an adjacent car, when the team conducted a "fare check" as they were approaching the Wilmington train platform.

Sergeant Meadows said when the train stopped at the Wilmington Avenue platform he exited and walked east towards the stairwell so he could watch his team members. Sergeant Meadows was watching to ensure all of the team members exited the train when his cellular telephone vibrated. Sergeant Meadows said he looked down at his telephone and he heard what sounded like a scuffle and he saw a crowd forming. Sergeant Meadows made his way through the crowd and saw Deputy Collins and Deputy McKelvy struggling with Suspect Spinks when, suddenly, all three of them fell to the ground.

Sergeant Meadows saw that other team members were handling crowd control so he began giving verbal commands to Suspect Spinks while also trying to tell the suspect to calm down. Sergeant Meadows said Suspect Spinks was belligerent and was not listening to any of the commands. Sergeant Meadows saw Deputies Collins and McKelvy trying to remove Suspect Spinks' arms from underneath his torso. Suspect Spinks was lying on his stomach with his hands underneath him and he would not release his hands to be handcuffed.

Sergeant Meadows saw Deputy Collins kneeling down on the suspect's right side. Deputy Collins gave a knee strike to Suspect Spinks right upper torso area. Sergeant Meadows saw that this was ineffective, looked at Deputy Collins, and nodded for him to deliver another knee strike. Sergeant Meadows saw Deputy Collins deliver two more knee strikes to the same upper torso area, which caused the suspect to release both arms from underneath his body and be handcuffed. Sergeant Meadows and the deputies lifted Suspect Spinks to his feet and escorted him off of the train platform and down to a radio car.

While they were walking with the suspect Sergeant Meadows saw an individual (identified as [redacted] MB/24, DOB: [redacted] that was attempting to incite the crowd. Sergeant Meadows detained this individual and obtained video recorded data **(Exhibit E)** of a portion of the force incident. For Sergeant Meadows' contact with Mr. [redacted] refer to his supplemental report **(Exhibit A).**

Suspect **James Spinks** was interviewed by IAB investigators on Saturday, February 21,

2009, at the Inmate Reception Center. Suspect Spinks agreed to be interviewed and this interview was audio recorded. The following is a summary of Suspect Spinks' statement. For his complete statement refer to the verbatim transcript included in this investigation, or the digital audio file.

Suspect Spinks stated that he was riding the Metrorail train when he heard a female wearing plain clothes (Deputy McKelvy) in the back of the train announce a fare-check. Suspect Spinks stated that he held up his monthly pass, as he usually does. As Deputy McKelvy made her way through the train car checking fares, she contacted a female black that did not appear to have a valid fare. Suspect Spinks said he saw a badge attached to Deputy McKelvy's waistline. Suspect Spinks said when Deputy McKelvy got close to him she looked at his monthly pass and did not say anything to him. Suspect Spinks asked Deputy McKelvy how he would know she was a real deputy and asked her if she had any identification. Deputy McKelvy did not say anything, turned, and returned to the female black with the fare discrepancy.

The train came to a stop at the Wilmington platform and Suspect Spinks exited the train so that he could transfer to the Metro Blue Line train en-route to Long Beach. As Suspect Spinks was walking towards the stairway to head down to the lower platform he felt someone grab his arm. Suspect Spinks said he turned to see Deputy McKelvy grabbing his arm and suddenly he was tackled from the side by an unknown male (Deputy Collins). Suspect Spinks said he went to the ground and when he fell, his hands and arms were under his body. Suspect Spinks said he did not know what was going on and, suddenly, Deputy Collins kneed him on the right side of his body. Suspect Spinks moved his right arm to his side an effort to block another knee strike. Deputy Collins kneed him two to three more times and then he was handcuffed and led downstairs to a patrol car.

Suspect Spinks stated that he was taken for medical treatment to the hospital and the doctor told him that he had a fractured rib. Suspect Spinks stated that he did not have any prior injuries. He stated he had not consumed any alcohol or ingested any narcotics prior to the incident.